

Before the FCC allows broadcasters to take full control of all content they broadcast, potentially removing my rights to record it for later viewing, I think some rules about how this can be used must be in place. I think it would be a disaster for consumers otherwise, as many advertisers would pressure broadcasters to put the broadcast flag into place for any popular show, movie, or sports event to insure viewers are watching it live and watching a recording which includes the possibility that commercials may be skipped.

It would be a return to the days of my childhood, before VCRs, when if you wanted to see TV show or sports event you had to be home and watching at that time, otherwise you missed it. If we're in the "digital age", moving towards digital TV, the idea that I have to schedule my viewing around what Budweiser, Nike, Blockbuster and other advertisers decide for me is insane. The US Supreme Court ruled in 1981 that it was fair use to record TV programming on a VCR for personal use. What they couldn't get through the courts they are trying to take through technology.

The broadcast flag, if implemented, should be restricted to a small portion of top-level content, such as perhaps the first TV broadcast of a major motion picture, rather than what I fear the networks will end up doing -- setting it for everything except perhaps daytime soaps, the evening news and late night advertising. Care must be taken that they don't propose rules that they can abuse, such as agreeing to only use the broadcast flag some small number of hours per week. If they agreed to 30 hours a week, you can bet those hours would be the 3 hours per evening of prime time programming plus 9 hours of afternoon sports programming on the weekends.

If the broadcast flag isn't abused, it is possible that the network promises of better content (first run movies, etc.) might come true, but if it is abused, all that the FCC will accomplish is making a large number of Americans criminals. Just as many DVD players can be purchased without region coding, or can have the region coding changed, there will be receivers available that can ignore the broadcast flag. People will have to make a choice whether it is better to obey a stupid law, or violate the law to exercise rights they've had for years that were taken away. If you implement this rule in the manner in which the entertainment lobbyists want it, and want to start rounding up the several million Americans who violate the law against receivers that don't obey the broadcast flag, you'll want to include me in your list of people to prosecute, because I can assure you I will violate that law.